

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6248**

59th Legislature  
2006 Regular Session

Passed by the Senate March 4, 2006  
YEAS 46 NAYS 0

---

**President of the Senate**

Passed by the House February 28, 2006  
YEAS 97 NAYS 0

---

**Speaker of the House of Representatives**

Approved

---

**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6248** as passed by the Senate and the House of Representatives on the dates hereon set forth.

---

**Secretary**

FILED

**Secretary of State  
State of Washington**

---

**SENATE BILL 6248**

---

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

**State of Washington**                      **59th Legislature**                      **2006 Regular Session**

**By** Senators Haugen, Benson, Shin and Sheldon

Read first time 01/10/2006. Referred to Committee on Transportation.

1            AN ACT Relating to drainage and diking works; and amending RCW  
2 85.07.170 and 47.01.260.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 85.07.170 and 1963 c 96 s 1 are each amended to read  
5 as follows:

6            (1) The commissioners of any drainage or diking district shall have  
7 power, on behalf of the district, to acquire, place, repair and  
8 maintain, dikes and dams, ditches, drains and outlets therefor,  
9 together with right of way therefor and access thereto, or obtain  
10 rights therein or full or joint use and maintenance thereof, when  
11 deemed by them necessary or beneficial for the protection of the  
12 district's system or its improvements, by eminent domain, purchase, or  
13 contract, with the owners or other districts through their  
14 commissioners, or other entities or persons together with power to  
15 contract by and with other districts or entities with reference to such  
16 matters and their performance.

17            (2) If the commissioners of any drainage or diking district  
18 determine that repair or maintenance is required on any drainage  
19 facilities, including dikes and dams, ditches, and drains and outlets,

1 that are on land owned by or under the jurisdiction of the department  
2 of transportation, they may give notice in writing to the department  
3 requesting that the department make the necessary repair or maintenance  
4 pursuant to the department's obligations under RCW 47.01.260. If the  
5 specified repair or maintenance is not conducted by the department  
6 within fourteen days upon receipt of the notice, the district  
7 commissioners may independently make the repair or maintenance. The  
8 department shall then reimburse the district for all reasonable costs  
9 incurred by the district associated with the repair or maintenance.

10 (3) The provisions of this section shall be construed as cumulative  
11 and shall not derogate from any other powers authorized by law for such  
12 districts.

13 **Sec. 2.** RCW 47.01.260 and 1983 c 29 s 1 are each amended to read  
14 as follows:

15 (1) The department of transportation shall exercise all the powers  
16 and perform all the duties necessary, convenient, or incidental to the  
17 planning, locating, designing, constructing, improving, repairing,  
18 operating, and maintaining state highways, including bridges and other  
19 structures, culverts, and drainage facilities and channel changes  
20 necessary for the protection of state highways, and shall examine and  
21 allow or disallow bills, subject to the provisions of RCW 85.07.170,  
22 for any work or services performed or materials, equipment, or supplies  
23 furnished.

24 (2) Subject to the limitations of RCW 4.24.115, the department, in  
25 the exercise of any of its powers, may include in any authorized  
26 contract a provision for indemnifying the other contracting party  
27 against specific loss or damages arising out of the performance of the  
28 contract.

29 (3) The department is authorized to acquire property as provided by  
30 law and to construct and maintain thereon any buildings or structures  
31 necessary or convenient for the planning, design, construction,  
32 operation, maintenance, and administration of the state highway system  
33 and to acquire property and to construct and maintain any buildings,  
34 structures, appurtenances, and facilities necessary or convenient to  
35 the health and safety and for the accommodation of persons traveling  
36 upon state highways.

1           (4) The department is authorized to engage in planning surveys and  
2 may collect, compile, and analyze statistics and other data relative to  
3 existing and future highways and highway needs throughout the state,  
4 and shall conduct research, investigations, and testing as it deems  
5 necessary to improve the methods of construction and maintenance of  
6 highways and bridges.

--- END ---